

FILED
UNITED STATES DISTRICT COURT

2018 JUN 20 PM 7:33

EASTERN DISTRICT OF NEW
YORK

MARIO H. CAPOGROSSO,

CLERK
U.S. DISTRICT COURT
E.D.N.Y.
Plaintiff

CV18-2710 (MKB)

-against-

NOTICE OF MOTION

ALAN GELBSTEIN, in his official and individual capacity;
BOSHRA VAHDATLAMAS, (also known as BUSHRA VAHDAT) in her official and individual capacity;
IDA TRASCHEN, in her official and individual capacity;
ELIZABETH PRICKETT-MORGAN, in her official and individual capacity;
JEAN FLANAGAN, in her official and individual capacity;
VINCENT PALMIERI, in his official and individual capacity;
DANIELLE CALVO, in her official and individual capacity;
SADIQ TAHIR, in his individual capacity;
PEC GROUP OF NY, INC.;
DAVID SMART, in his individual capacity;
JOHN AND JANE DOE.

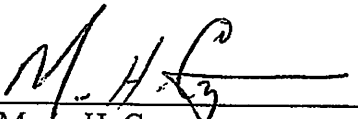
Defendants

PLEASE TAKE NOTICE, that upon the annexed affirmation of **Mario H. Capogrosso** affirmed on June 18, 2018 the accompanying Memorandum of Law in support of this motion, and the pleadings herein, Plaintiff will move this Court, before Justice Brodie, United States District Judge for an Order pursuant to Rules 8(a), 11, 12 b(1), 12b(2), 12b(6), of the Federal Rules of Civil granting the Dismissal of Defendant's **David Smart's** counterclaims for harassment and for "bringing frivolous law suits" in their entirety, granting Plaintiff's fees and costs and on imposing sanctions as the Court deems appropriate.

I declare under penalty of perjury that the foregoing is true and accurate.



Dated; June 18, 2018
Westchester, New York



Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
(914) 806-3692